

**BY ORDER OF THE
SUPERINTENDENT**



**HQ UNITED STATES AIR FORCE ACADEMY
INSTRUCTION 51-903**

8 JULY 2002

Law

**DISPOSITION OF JUVENILE MISCONDUCT
CASES**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements AFD 51-9, *Civil Law for Individuals*, and provides the framework for the disposition of juvenile misconduct cases and the treatment of juvenile offenders. The purpose of this instruction is to establish responsibilities and procedures for the administrative disposition of misconduct committed by juveniles on the United States Air Force Academy and to establish the United States Air Force Academy Juvenile Assistance Council (JAC). The JAC will hear all cases in which a juvenile is alleged to have engaged in misconduct or cases referred to it by the 10th Air Base Wing (10 ABW). The JAC will determine the appropriate disposition of the case by weighing the best interests of the juvenile and the United States Air Force Academy. The action taken will be designed to attain the primary goal of maintaining good order and discipline on the United States Air Force Academy and, if possible, to rehabilitate the juvenile offender. This instruction applies to juveniles who engage in misconduct on the United States Air Force Academy and are dependents of personnel stationed at the United States Air Force Academy (to include all personnel administratively assigned to 10 ABW) or dependents of active duty or retired military personnel using the United States Air Force Academy facilities. This instruction also applies to the sponsors of juveniles who engage in misconduct on the United States Air Force Academy.

This publication is affected by the Privacy Act of 1974. Each form required by this publication contains a Privacy Act statement, either incorporated in the body of the document or in a separate statement accompanying each document.

1. Authority:

1.1. Public Law 94-415, Juvenile Justice and the Juvenile Justice and Delinquency Prevention Act of 1974 (18 U.S.C. Sections 5031-5042), applies to the United States Air Force Academy. The statute provides that misconduct committed by a juvenile should be disposed of outside the federal courts whenever feasible. Accordingly, this instruction establishes an administrative system in lieu of juvenile delinquency proceedings or prosecution in U.S. Magistrate's Court.

1.2. Moreover, the installation commander is charged with the responsibility for maintaining law and order on the base (AFI 31-101 *The Air Force Installation Security Program*). To achieve this goal, the commander may demand that any juvenile charged with misconduct explain why base privileges should not be limited or revoked. Privileges subject to revocation include the following: base exchange privileges, commissary privileges, housing privileges, shoppette privileges, base driving privileges, and the privilege of entering any part (or all) of the base. This instruction complies with the foregoing law and instruction by ensuring that an offense involving a juvenile is identified, adjudicated, and disposed of in a manner that maintains good order and discipline while stressing deterrence and rehabilitation of the juvenile.

2. Purpose of the JAC:

2.1. The JAC is Designed to:

- 2.1.1. Maintain good order and discipline on the United States Air Force Academy.
- 2.1.2. Educate juveniles and their sponsors on the consequences of misconduct and crime (i.e., the impact crime has on the juvenile offender, the offender's family, the victims, and the community).
- 2.1.3. Rehabilitate juveniles through counseling, education, community service, restitution, and other means of corrective action as recommended by the JAC and ordered by the 10 ABW/CC. Therefore, any actions should be designed to prevent further misconduct and instill respect for the law in the United States Air Force Academy's young people.
- 2.1.4. Protect the best interests of both the juvenile and the United States Air Force Academy community. Accordingly, the system avoids labeling the juveniles with the stigma of "criminal" or "delinquent." Rather, the term "juvenile offender" is used in this instruction.

2.2. Participation in the JAC Program. Participation by the juvenile in the JAC Program is voluntary. However, certain administrative sanctions may be taken against a juvenile offender even if the juvenile refuses to submit to the jurisdiction of the JAC. (For example, the installation commander, 10 ABW/CC, retains the authority to bar the juvenile from base, and to terminate the juvenile's family's onbase housing privileges). Conversely, certain rehabilitative measures, such as referral to counseling, performance of community service, or participation in a work program by the juvenile offender, may only be undertaken if the juvenile agrees to submit to the JAC's jurisdiction. Rescission of administrative sanctions (e.g., reinstatement of privileges) may be contingent upon the juvenile's consent to the jurisdiction of the JAC and satisfactory completion by the juvenile offender and/or his or her sponsor of such rehabilitative measures ordered by the JAC. If the juvenile refuses to submit to the jurisdiction of the JAC, the JAC may refer the case to the Special Assistant U.S. Attorney for prosecution as a petty offense under 18 U.S.C. section 5032, as may be permitted by law.

2.3. Composition of the JAC:

- 2.3.1. The Deputy Commander, 10th Support Group (10 SPTG/CD), shall serve as the JAC Chairman.
- 2.3.2. The council will consist of representatives, as approved by the JAC Chairman, from the following member organizations:
 - 2.3.2.1. Chaplain (10 ABW/HC).
 - 2.3.2.2. 10th Security Forces Squadron (10 SFS/CC).

2.3.2.3. Staff Judge Advocate (10 ABW/JA).

2.3.2.4. Family Advocacy (10 MDOS/SGOMHF).

2.3.2.5. Special invited guests, such as a representative from the Family Support Center (10 MSS/DPF) or the Base Housing Management Office (10 CES/CEJH), as necessary. Guests may include the sponsor's Commander and First Sergeant.

2.4. JAC Members. Members will endeavor to provide continuity of attendees (i.e., avoid turnover of JAC member representatives whenever possible).

3. Responsibilities:

3.1. 10 SFS will:

3.1.1. Prepare an AF Form 3545, **Incident Report**, or a Report of Investigation (ROI).

3.1.2. As appropriate, issue the juvenile a memorandum signed by the Commander, 10 SPTG, that immediately limits the juvenile's onbase privileges (see [Attachment 3](#), also see [Attachment 2](#), Format for Memorandums in [Attachment 3-Attachment 6](#)).

3.1.3. Notify the juvenile's sponsor's Unit First Sergeant and Commander.

3.1.4. Send the AF Form 3545 and a copy of the limited privileges letter to the Staff Judge Advocate (10 ABW/JA).

3.2. 10 ABW/JA will:

3.2.1. Issue a notification memorandum (see [Attachment 4](#)), signed by the 10 ABW/CC, to the juvenile and serve a copy on the juvenile's parents or sponsor informing them of the charge. An information copy will be sent to the sponsor's unit commander.

3.2.2. Reflect on the notification date, time, and location of the meeting of the JAC. The meeting date on the memorandum shall be the next available meeting date from the date of the incident.

3.2.3. Notify JAC members of the date, time, and location of upcoming JAC meetings.

3.2.4. Provide copies of the AF Form 3545 and the limited privileges letter to JAC members. 10 ABW/JA may also forward to the JAC Chairman any additional evidence of the misconduct (e.g., base exchange surveillance videotapes) as well as summaries of the incidents.

3.2.5. Remind juveniles and their parents or sponsors of the upcoming JAC hearing so as to ensure their attendance.

3.2.6. Record the minutes of JAC meetings and provide copies to the JAC Chairman for review.

3.2.7. At the direction of the JAC Chairman, 10 ABW/JA will prepare a decision memorandum (see [Attachment 5](#)) for the 10 ABW/CC's signature, addressed to the juvenile offender, announcing the final disposition of the case. The memorandum shall also include information regarding community service, counseling referrals, etc., if applicable. Once signed and returned by the 10 ABW/CC, 10 ABW/JA will ensure the signed memorandum is mailed to the juvenile offender and his or her sponsor and a copy forwarded to Report & Analysis (10 SFS/SFAR) and Administrative Support (10 MSS/DPMPs).

3.2.8. If any of the juvenile offender's privileges are to be revoked, 10 ABW/JA will prepare a revocation memorandum (see [Attachment 6](#)) for the 10 ABW/CC's signature, addressed to the

sponsor, directing the sponsor to apply for a replacement identification card for the juvenile offender with limited privileges. Once signed and returned by the 10 ABW/CV, 10 ABW/JA will ensure the signed memorandum is mailed to the juvenile offender and his or her sponsor and a copy forwarded to 10 MSS/DPMPs.

3.3. The JAC will:

3.3.1. Meet as directed by the JAC Chairman to review cases of juvenile misconduct. The JAC should meet at least once a quarter. If necessary due to the number of cases, the JAC Chairman may require more than one meeting per quarter. The JAC Chairman may cancel a meeting at his or her discretion and direct that cases be considered at the next meeting.

3.3.2. Recommend an appropriate command response to the misconduct, including but not limited to the following or any combination thereof:

3.3.2.1. No action.

3.3.2.2. Oral counseling, admonition, or reprimand of the juvenile offender and/or his or her sponsor.

3.3.2.3. Written counseling, admonition, or reprimand of the juvenile offender and/or his or her sponsor signed by the 10 ABW/CC.

3.3.2.4. Referral of the juvenile offender and/or sponsor to Family Support Center, Family Advocacy, Mental Health, or other agencies for counseling.

3.3.2.5. Placing certain base areas and/or facilities off-limits to the juvenile offender.

3.3.2.6. Imposing a curfew other than the normal base curfew. This is the equivalent of "house detention."

3.3.2.7. Restricting access to base functions.

3.3.2.8. Suspension or revocation of any or all base privileges.

3.3.2.9. Debarment.

3.3.2.10. Termination of onbase family housing.

3.3.2.11. Requiring the juvenile to complete a specified number of hours of community service on or off the United States Air Force Academy.

3.3.2.12. Identifying conditions that may contribute to juvenile problems and recommending corrective action to other base agencies.

3.3.2.13. Referring the case to the appropriate juvenile authorities in the civilian community.

3.3.2.14. Referring the case to the Special Assistant U.S. Attorney for prosecution as a petty offense under 18 U.S.C. section 5032 in U.S. Magistrate's Court, as may be permitted by law.

3.3.2.15. Any other action deemed appropriate for the preservation of good order and discipline on the United States Air Force Academy and in the best interest of the juvenile offender.

3.3.3. As circumstances warrant, meet to followup on juvenile misconduct cases discussed previously. The JAC may require the juvenile offender and sponsor to return to a future JAC meeting to determine whether the action taken was correct and sufficient. The JAC may recommend to the 10

ABW/CC that the action taken in a particular case be modified based upon a subsequent JAC meeting.

3.4. 10 ABW/CC will:

3.4.1. Review the minutes of the JAC meetings.

3.4.2. Consider the recommendations of the JAC. The 10 ABW/CC shall take the action deemed appropriate for the preservation of good order and discipline on the United States Air Force Academy while balancing the best interests of the rehabilitation of the juvenile. If the 10 ABW/CC rejects the JAC's recommendations, the JAC Chairman may direct that the JAC meet to discuss the case again.

3.5. The juvenile and his or her sponsor will:

3.5.1. Appear before the JAC as directed in the notification memorandum.

3.5.2. Provide the JAC information relevant to the case.

3.5.3. Comply with all orders of the JAC and the decision memorandum issued by the 10 ABW/CC. Participation in community service and counseling programs by the juvenile and/or the sponsor is voluntary, although rescission of administrative sanctions (e.g., reinstatement of privileges) may be contingent upon the satisfactory completion of such programs.

4. Conducting JAC Meetings:

4.1. The JAC Chairman shall conduct JAC meetings.

4.2. The JAC may arrange for the appearance of any witness deemed necessary for the resolution of the case. Formal rules of evidence do not apply. The JAC may rely on hearsay evidence (to include Security Forces reports) that is considered reliable.

4.3. JAC meetings shall be closed to the public, as the information discussed is protected from public disclosure by the Privacy Act.

4.4. Members of the JAC may make relevant inquiries of the juvenile, his or her sponsor, or any witness.

4.5. The juvenile and sponsor may make an oral statement. Information provided by the juvenile offender or any witness will not be under oath. Any other information provided by the juvenile must be in writing.

4.6. JAC meetings are not adversarial proceedings. Neither the juvenile nor his or her sponsor has the right to legal counsel during the meeting, to call their own witnesses, or to cross examine any witnesses called by the JAC. Moreover, nothing in this instruction shall be construed to grant any rights to the juvenile or his or her sponsor.

4.7. The JAC shall discuss such other matters (e.g., follow up on previous misconduct cases) as directed by the JAC Chairman.

5. Records Management:

5.1. 10 ABW/JA acts as recorder for the JAC. 10 ABW/JA shall maintain the confidentiality of all records subject to the Privacy Act of 1974. In accordance with AFMAN 37-139, *Records Disposition*

Schedule, units are responsible for the maintenance and disposal of electronic or paper records created.

5.2. No incident system of records will be generated or kept by JAC members. All correspondence to the juvenile or his or her sponsor will be hand delivered or mailed via United States Postal Service certified mail with return receipt.

R. SCOTT HOWARD, Lt Col, USAF
Staff Judge Advocate

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****Terms***

Misconduct—Volition of a federal, state, or local statute; a breach of Air Force or installation instructions or regulations; or conduct disruptive to good order and discipline on the United States Air Force Academy. Examples include, but are not limited to, any of the following:

- Pattern of disobedience of the lawful rules set forth by security forces or recreation supervisors, etc., disrespect to military or civil servant personnel, or physical assault or battery upon any of these persons.
- Loitering about the streets, parking lots, or buildings of the United States Air Force Academy during the hours of darkness.
- Vandalism or destructive behavior causing up to \$500 in damages.
- Shoplifting from a commissary, base exchange, or other AAFES institution.

Jurisdiction—The JAC shall have jurisdiction over all juvenile misconduct that occurs on the United States Air Force Academy.

Juvenile—An unemancipated minor. A person is unemancipated if he or she has not attained his or her eighteenth birthday, is unmarried, is not in military active duty status, is not living separate and apart from his or her parents or guardian, and has not been deemed emancipated by a court of competent jurisdiction. A minor is any person under the age of 18 years.

Juvenile Assistance Council (JAC)—The committee charged with reviewing cases of juvenile misconduct.

Juvenile Offender—A juvenile who has been determined by the JAC, in accordance with procedures set forth in this instruction, to have engaged in misconduct on the United States Air Force Academy.

Preponderance of the Evidence—The standard of proof necessary to find that the juvenile committed the misconduct in question. This standard is met when the evidence as a whole shows that it is more probable than not that the fact sought to be proved (i.e., that the juvenile committed the act) actually occurred.

Sponsor—An adult who is the parent or guardian of a juvenile alleged to have committed misconduct on the United States Air Force Academy. A sponsor includes the host of a guest from off-base parents and/or guardians, who have responsibility for the conduct of juveniles in his or her charge.

Attachment 2**FORMAT FOR MEMORANDUMS IN ATTACHMENTS 3-6**

(one inch margins top, bottom, left, and right) (10 or 12 pitch, Times New Roman)

**DEPARTMENT OF THE AIR FORCE**

HEADQUARTERS UNITED STATES AIR FORCE ACADEMY

USAF ACADEMY COLORADO

(line 4)MEMORANDUM FOR (one space)(Juvenile's Name)

(Address)

(Address)

(two returns)

FROM: (two spaces)

(Address)

(Address)

(two returns)

SUBJECT: (two spaces)

(two returns)

1. Number all paragraphs.

(two returns)

2. Do the body of the letter, leave 4 blank lines, and begin the signature block on the 5th line in the center of the page plus 3 spaces.

Individual's name/grade

Commander

Organization

Attachment 3

MEMORANDUM LIMITING JUVENILE'S PRIVILEGES (SAMPLE)

MEMORANDUM FOR (Juvenile's Name)
(Address)
(Address)

FROM: 10 SPTG/CC
(Address)
(Address)

SUBJECT: Limited Privileges and ID Card Reissue

1. On _____ (date), your ID card was confiscated for _____
(nature of offense). The AF Form 52 in your possession is good for 72 hours or until the next duty day.
2. To receive a new ID card with limited privileges, you must appear in person at Military Personnel Flight Customer Service and receive a revised DD FORM 1172 with appropriate benefits and privileges. Medical privileges and the expiration date of your ID card will not change.
3. If your privileges are reinstated, you will receive a copy of the disposition of the case.
4. If you have any questions, please contact 10 SPTG at (719) 333-0005.

(Signature)
(Typed Name and Grade)
Commander

cc: 10 MSS/DPMPS

Attachment 4**MEMORANDUM NOTIFYING JUVENILE OF JAC MEETING (SAMPLE)**

MEMORANDUM FOR (Juvenile's Name)

(Address)

(Address)

FROM: 10 ABW/CC

8034 Edgerton Drive, Suite 200

USAF Academy CO 80840

SUBJECT: Order to Appear Before the Juvenile Assistance Council (JAC)

1. In accordance with USAFA Instruction 51-903, Disposition of Juvenile Misconduct Cases, you and your parent(s)/sponsor are ordered to appear before the JAC on _____ (date). The council meets in the 10th Air Base Wing conference room, Building 8034, Suite 200. You and your parent(s)/sponsor may use this letter to gain access to the United States Air Force Academy for the purpose of attending the meeting.

2. On _____ (date), you were allegedly involved in juvenile misconduct on the United States Air Force Academy. Misconduct is defined as any violation of federal, state, or local statute, a breach of Air Force or installation instructions or regulations, or other activity prejudicial to good order and discipline on the United States Air Force Academy. At the meeting you and your parent(s)/sponsor will have the opportunity to explain why your base privileges should not be limited or revoked. The privileges subject to revocation include but are not limited to the following: base exchange, commissary, base housing, and base entry.

3. You and your parent(s)/sponsor may present any relevant evidence for consideration by way of witness statements or exhibits. You may testify or decline to testify at your discretion. You may also request the JAC call witnesses on your behalf.

4. The Staff Judge Advocate's office will provide you a copy of USAFAI 51-903 upon request. The Security Forces Squadron can also provide copies of any relevant statement/complaint reports.

5. A copy of this letter will be served to your parent(s)/sponsor. Another copy will be presented to your sponsor's commander.

6. If you fail to appear at the designated time, you will be barred from base pursuant to AFI 31-101 and your case may be referred to the Special Assistant U.S. Attorney for prosecution as a petty offense under 18 U.S.C. section 5032 in U.S. Magistrate's Court.

(Signature)

(Typed Name and Grade)

Commander

cc:

(Parent/Sponsor)

(Sponsor's Commander)

Attachment 5**MEMORANDUM NOTIFYING JUVENILE OF JAC DECISION (SAMPLE)**

MEMORANDUM FOR (Juvenile's Name)

(Address)

(Address)

FROM: 10 ABW/CC

8034 Edgerton Drive, Suite 200

USAF Academy CO 80840

SUBJECT: Juvenile Assistance Council Decision

1. On _____(date), you met with the Juvenile Assistance Council (JAC) to determine if you were involved in a (shoplifting incident) at the (Base Exchange) at the United States Air Force Academy. The Council decided you were involved as alleged. Because of your involvement with the misconduct, you must comply with the following actions:

a. Your Base Exchange privileges will be revoked for a period of (six (6) months).

b. You must complete the _____(course) by _____(date). You should call _____(contact) before _____(date) at _____(telephone) to schedule the class. The return of your privileges on base is contingent upon completion of this class.

c. You must complete _____ hours of community service by _____(date). You should call _____(contact) to schedule those hours.

d. Other actions as appropriate.

2. Failure to comply with these requirements could result in further action being taken, including but not limited to referral of your case to the Special Assistant U.S. Attorney for prosecution as a petty offense under 18 U.S.C. section 5032 in U.S. Magistrate's Court.

3. Good order and discipline must be maintained on this base. (You must understand that taking items that don't belong to you is wrong.) I believe you understand what is right and wrong. If you learn from this experience, perhaps some good will come of an otherwise unfortunate incident. You have the intelligence and potential to do much better, and I am certain you can.

(Signature)

(Typed Name and Grade)

Commander

cc:

10 SFS/SFOI

10 MSS/DPMPs

Attachment 6**MEMORANDUM REVOKING JUVENILE'S PRIVILEGES (SAMPLE)**

MEMORANDUM FOR (Parent/Sponsor)

(Address)

(Address)

FROM: 10 ABW/CC

8034 Edgerton Drive, Suite 200

USAF Academy CO 80840

SUBJECT: Revocation of Base Exchange Privileges

1. On _____ (date), your son/daughter/guest, (juvenile's name), was reported to Security Forces by (Base Exchange (BX) security for shoplifting merchandise totaling \$23.50 at the BX).
2. As result of this violation and according to AFI 31-101, your son's/daughter's/guest's _____ (privileges) are hereby revoked for a period of _____ days/ weeks/months, commencing on the date the Identification Card, DD Form 1173, was surrendered.
3. If _____ (juvenile's name) has not surrendered his ID card, then you and your son/daughter/guest are hereby directed to report to Military Personnel Flight Customer Service Center within four (4) duty days from the date this letter is received. At that time, you may apply for a replacement card with limited privileges.

(Signature)

(Typed Name and Grade)

Vice Commander

cc: 10 MSS/DPMPs